STATE OF NEW YORK

1136

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. PAULIN, CAHILL, GALEF -- Multi-Sponsored by -- M. of A. J. RIVERA -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to providing unemployment insurance benefits to certain part-time elected officials

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 522 of the labor law, as amended by chapter 720 of the laws of 1953, is amended to read as follows:

§ 522. Total unemployment. "Total unemployment" means the total lack of any employment on any day. The term "employment" as used in this section means any employment including that not defined in this title **but shall not include service as an elected county or municipal official**.

§ 2. Subdivision 1 of section 591 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

1. Unemployment. Benefits, except as provided in section five hundred ninety-one-a of this title, shall be paid only to a claimant who is totally unemployed and who is unable to engage in his **or her** usual employment or in any other for which he **or she** is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States **or such claimant's service as an elected county or municipal official; provided, however that such claimant's pay for service as an elected county or municipal official is less than the product of the minimum wage times two thousand hours per year. Such claimant serving as an elected county or municipal official while receiving unemployment insurance benefits shall only receive the amount of the difference between the weekly benefit amount and the amount of weekly earnings from such elected public service**.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD01839-01-1

§ 3. Subdivision 1 of section 591 of the labor law, as amended by chapter 446 of the laws of 1981, is amended to read as follows:

1. Unemployment. Benefits shall be paid only to a claimant who is totally unemployed and who is unable to engage in his **or her** usual employment or in any other for which he **or she** is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States **or such claimant's service as an elected county or municipal official; provided, however that such claimant's pay for service as an elected county or municipal official is less than the product of the minimum wage times two thousand hours per year. Such claimant serving as an elected county or municipal official while receiving unemployment insurance benefits shall only receive the amount of the difference between the weekly benefit amount and the amount of weekly earnings from such elected public service**.

§ 4. This act shall take effect immediately, provided, however, that the amendments to subdivision 1 of section 591 of the labor law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 10 of chapter 413 of the laws of 2003, as amended, when upon such date the provisions of section three of this act shall take effect.